

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DWAYNE L. RIECO,	)	
Plaintiff,	)	
	)	Civil Action No. 2: 14-cv-00351
v.	)	
	)	District Judge Arthur J. Schwab
BRIAN COLEMAN, SCI-Fayette, et al.,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

The above captioned case was initiated by the filing of a motion to proceed *in forma pauperis* (ECF No. 1) on March 18, 2014, and was referred to a United States Magistrate Judge for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court.

On May 8, 2014, Plaintiff filed a “Motion for Order to Show Cause for a Preliminary Injunction and Temporary Restraining Order” (ECF No. 7). On May 27, 2014, the Magistrate Judge filed a Report and Recommendation recommending that the Motion for Order to Show Cause for Preliminary Injunction and Temporary Restraining Order be denied because Plaintiff had failed to meet the necessary elements for the granting of a temporary restraining order (ECF No. 8)

Plaintiff was advised that any Objections to the Report and Recommendation were due by June 13, 2014. On June 17, 2014, the Court received a document entitled “Plaintiff’s Reporting of Misconduct of Judge United States Magistrate Judge Cynthia Reed Eddy” (ECF

No. 13), 1 in which Plaintiff appears to be lodging an objection to the Report and Recommendation, but also raises several issues which are beyond the Complaint (*i.e.*, papers are not being notarized, “photocopies, citations, first class mail outgoing and incoming legal mail is being seized,” “SCI-Pittsburgh officials are committing double jeopardy crimes . . . such as food starvation, assaults, access to courts violations and are calling plaintiff a rapist,” “Plaintiff is being denied meaningful access to the main law library”) and also seeks the disqualification of Magistrate Judge Cynthia Reed Eddy. Additionally, on June 30, 2014, the Court received “Plaintiff’s Affidavit in Support for an Order to Show Cause for Preliminary Injunction and or TRO,” in which Plaintiff again complains about a number of things unrelated to the factual claims in this lawsuit, but also states the following, which does appear to be related to this lawsuit:

THE DEFENDANTS THEN MALICIOUSLY BY AN ABUSE OF PROCESS  
PLACED THIS DEFENDANT INVOLUNTARILY IN THE SSNU PROGRAM  
TO FALSIFY MENTAL HEALTH RECORDS AND NO NOTICE WAS  
GIVEN, NO HEARINGS, NO LAY ASSISTANCE, NO SECOND OPINION,  
WAS NOT SUBJECT TO INVOLUNTARILY TREATMENT AND THERE IS  
NO HEARING OFFICER, NO TRANSCRIPTURE, NO § 7301 OR § 7302  
PETITION AND WAS NOT DEEMED A CLEAR AND PRESENT DANGER

PLAINTIFF WAS NOT GRANTED ANY PROCEDURE DUE PROCESS BY  
THE DEFENDANTS AND WAS NOT NOTIFIED OF THE 13.8.1 SSNU  
SECTION 10 POLICY REVISED IN 2009.

(ECF No. 15).

To the extent that Plaintiff’s filings can be deemed objections to the Report and Recommendation, the Objections do not undermine the recommendation of the Magistrate Judge. Further, the Court finds that Plaintiff’s request to disqualify Magistrate Judge Eddy is

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<sup>1</sup> The envelope is post-marked June 16, 2014.

without merit and amounts to nothing more than his displeasure with the Court's rulings which do not warrant recusal. *Securacomm Consulting, Inc. v. Securacom Inc.*, 224 F.3d 273, 278 (3d Cir. 2000).

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the "Objections" thereto, the Plaintiff's Reporting of Misconduct of Judge United States Magistrate Judge Cynthia Reed Eddy (ECF No. 13), and Plaintiff's Affidavit in Support for an Order to Show Cause for Preliminary Injunction and or TRO (ECF No. 15), the following order is entered:

**AND NOW**, this 1st day of July, 2014;

**IT IS HEREBY ORDERED** that the Motion for Order to Show Cause for a Preliminary Injunction and Temporary Restraining Order filed by Plaintiff Dwayne L. Rieco (ECF No. 7) is **DENIED**.

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF. No. 8) dated May 27, 2014, is **ADOPTED** as the Opinion of the Court.

**AND IT IS FURTHER ORDERED** that the Motion to Disqualify Judge Eddy (ECF No. 13) is **DENIED**.

**So ORDERED** this 1st day of July, 2014.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties  
DWAYNE RIECO  
HU2494  
PO Box 99991  
Pittsburgh, PA 15233